

1 A bill to be entitled
2 An act relating to the Monroe County School
3 District; providing for the relief of Joshua
4 England, a minor; authorizing and directing the
5 District School Board of Monroe County to
6 compensate Joshua England for personal injuries
7 that he suffered due to the negligence of
8 Monroe County district school board employees;
9 providing for the use of such funds; providing
10 for forfeiture and reversion of funds;
11 providing for trustee qualifications; providing
12 an effective date.

13
14 WHEREAS, on September 3, 1999, Joshua England was at
15 the Key West High School swimming pool, along with 10 other
16 students who were enrolled in the school's special education
17 class, and was under the direct and sole supervision of five
18 teachers from Key West High School, who were employees of the
19 District School Board of Monroe County, and

20 WHEREAS, the students, including Joshua England, were
21 at the pool to swim; however, Joshua England did not know how
22 to swim, a fact that was known by Joshua England's teachers,
23 and

24 WHEREAS, the teachers failed to monitor Joshua
25 England's activities and his location, inexcusably allowing
26 him to sink unnoticed to the bottom of the pool, and

27 WHEREAS, when the teachers found Joshua England at the
28 bottom of the pool, he was not breathing, and

29 WHEREAS, Joshua England was subsequently airlifted to
30 Miami Children's Hospital, where he remained for approximately
31 3 months, and

1 WHEREAS, Joshua England was subsequently stabilized and
2 transferred to the special care/vent care unit of North Shore
3 Hospital and then to Broward Children's Center, where he
4 remains in a vegetative state, and

5 WHEREAS, Joshua England will require full-time,
6 around-the-clock nursing care for the remainder of his life,
7 and

8 WHEREAS, in March 2000, a suit was filed on Joshua
9 England's behalf against the District School Board of Monroe
10 County, and

11 WHEREAS, the plaintiffs and the school board have
12 entered into a stipulation of settlement by which both parties
13 agree that Joshua England will seek a claim bill under which
14 the school board will pay \$2,500,000 above the amount already
15 paid to settle claims relating to this matter, and

16 WHEREAS, the agreement further specifies the payment
17 schedule that is to be followed, NOW, THEREFORE,

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. The facts stated in the preamble to this
22 act are found and declared to be true.

23 Section 2. (1) The District School Board of Monroe
24 County is authorized and directed to appropriate from funds
25 not otherwise appropriated and to draw a warrant payable to
26 the guardian of Joshua England, a minor, for the total amount
27 of \$2,500,000 for injuries and damages sustained due to the
28 negligence of employees of the District School Board of Monroe
29 County. This amount shall be paid as follows:

30 (a) On the first July 1st after the effective date of
31 this act, the balance remaining from the sum of \$800,000,

1 after payment of statutory attorney's fees and costs and any
2 outstanding medical liens, shall be placed in a Special Needs
3 Trust created for the exclusive use and benefit of Joshua
4 England, a minor, to compensate him for injures and damages
5 sustained; and

6 (b) On July 1st one year after the initial payment of
7 \$800,000 is made, \$700,000 is to be placed into the Special
8 Needs Trust for the exclusive use and benefit of Joshua
9 England; and

10 (c) On each consecutive July 1st commencing after the
11 \$700,000 payment is made, and for 5 years thereafter, \$200,000
12 shall be placed into the Special Needs Trust for the exclusive
13 use and benefit of Joshua England, until an additional
14 cumulative sum of \$1,000,000 is paid.

15 (2) If Joshua England dies prior to payment of any
16 sums required in paragraph (1)(c), any unpaid sums due at the
17 time of Joshua England's death are forfeited on a prorated
18 basis for the year of death, and thereafter the District
19 School Board of Monroe County is not obligated to make any
20 additional payments.

21 (3) Any funds remaining in the Special Needs Trust at
22 the time of Joshua England's death, after the payment of any
23 outstanding Medicaid liens, shall revert to the District
24 School Board of Monroe County.

25 (4) At least one trustee of the Special Needs Trust
26 established for the exclusive use and benefit of Joshua
27 England must possess financial and trust management
28 experience, and may not be a relative of Joshua England. The
29 term "relative" as used in this subsection means a parent,
30 grandparent, sibling, cousin, aunt, uncle, niece or nephew,
31

1 whether related by whole or half blood, by affinity, or by
2 adoption.

3 Section 3. This act shall take effect upon becoming a
4 law.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31